

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	:	<b>CIVIL ACTION NO. 1:03-CR-0234</b>
	:	
<b>v.</b>	:	<b>(Judge Conner)</b>
	:	
<b>JOSE M. GARCIA</b>	:	

**ORDER**

AND NOW, this 30th day of June, 2005, upon consideration of defendant's motion (Doc. 29) to vacate the sentence imposed by this court on March 26, 2004, and it appearing that the period of limitations for filing such motions has expired,<sup>1</sup> see 28 U.S.C. § 2255 ("A 1-year period of limitation shall apply to a motion under this section."); see also United States v. Bendolph, 409 F.3d 155, 164 (3d Cir. 2005) (providing that the court may raise § 2255 limitation period *sua sponte*), it is hereby ORDERED that defendant shall file a response, on or before July 15, 2005, showing cause why the motion should not be denied for failure to file within the applicable period of limitations.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge

---

<sup>1</sup> The instant motion was originally filed on April 13, 2005, with the United States District Court for the Eastern District of Pennsylvania.